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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,962	10/31/2003	Wassim Haddad	300200275-2	7597

22879 7590 04/03/2009

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FORT COLLINS, CO 80527-2400

EXAMINER
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HSU, ALPUS

ART UNIT	PAPER NUMBER
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2419

NOTIFICATION DATE	DELIVERY MODE
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04/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/697,962	<b>Applicant(s)</b> HADDAD, WASSIM	
	<b>Examiner</b> Alpus H. Hsu	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. Claims 8-14, 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, lines 5-6, claim 17, line 5, claim 18, line 5, and claim 19, line 5, each term of “the transmission bandwidth ceiling” lacks antecedent basis.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAGEN in view of SHAH (both of records).

Referring to claims 1-6, 15 and 16, HAGEN discloses a wireless LAN (100) comprising an access point (3 or 4), a plurality of mobile communications devices (1s) requiring data communication with the access point, and a controller (3 or 4) for controlling the supply of data communication to the mobile communications devices, the controller being such as to set up a peer-to-peer session between a mobile communications device and the access point, wherein the controller includes a software agent (see paragraphs [0054]) associated with the access point, the access point includes a plurality of wireless technologies (see paragraphs [0039] and [0042]), and wherein the controller is adapted to control the peer-to-peer session between the mobile communications devices and the access point (see paragraphs [0010 to [0012], [0042] to [0045], [0097], [0102] to [0104]).

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HAGEN differs from the claims, in that, it does not disclose the feature of having the controller sets up a peer-to-peer connection between a first mobile communications device for already receiving a data communication supplying a given service and a second mobile communications device requiring that service so as to provide the second mobile communications device with the given service from the first mobile communications device using a wireless technology appropriate to the QoS required by the second mobile communications device, which is well known in the art and commonly applied in wireless communications field for providing direct communication between mobile communication devices.

SHAH, for example, from the similar field of endeavor, teaches the specific feature of having a controller (transceiver controller for wireless transmit/receive unit) associating with the access point (see col. 2, lines 32-35, which states that “a base station can be configured to act as the other WTRUs in peer-to-peer communications”) for setting up a peer-to-peer connection between mobile communications devices (WTRUs), providing the mobile communications devices under the same service constraint (see col. Col. 3, line 29 to col. 4, line 8, col. 5, lines 1-35, col. 8, lines 13-39, which state that “peer-to-peer communications among the WTRUs are selectively operated based on the determination of different predetermined quality of service levels”), which can be easily adopted by one of ordinary skill in the art into the system of HAGEN, to provide direct communication between mobile communication devices, thereby preserving the quality of service (QoS) assurance.

Referring to claims 7 and 20, HAGEN discloses that the controller is such as to register the second mobile communications device with an SIP server (31) associated with the access

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point by providing that device with an SIP address, whereby that device can subsequently set up the peer-to- peer connection with the first mobile communications device using SIP messages (see paragraphs [0069] and [0114]).

4. Claims 8-14, 17-19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Seppala et al., Reddy et al. '220, Sinivaara et al., Verma et al., Kazakevich et al., and Stadelmann et al. are additionally cited to show the common feature of peer-to-peer wireless local area network utilizing access points for maintaining desired QoS similar to the claimed invention.

6. Applicant's arguments filed January 14, 2009 have been fully considered but they are not persuasive.

In the remark, regarding the 35 U.S.C. 103(a) rejections to claims 1-7, 15, 16 and 20, the applicant first contended that the feature of “the controller being such as to set up a peer-to-peer connection between a first and second communications devices under the same service constraint” is not well known. The examiner disagreed since there is at one additional prior art of record shows the same feature (see, for example, col. 3, line 49 to col. 4, line 28, col. 4, line 65 to col. 5, line 12 in Reddy et al. of U.S. 7,016,673 B2 of record).

Second, the applicant also argued that SHAH, although teaches basic peer-to-peer networking, it does not teach or suggest peer-to-peer networking between mobile communications devices that are set up specifically on the condition that the second device

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requires the same service as the first device. The examiner also disagreed since in SHAH, it clearly described the feature of having “the controller for setting up a peer-to-peer connection between mobile communications devices (WTRUs), providing the mobile communications devices under the same service constraint (peer-to-peer communications can be selectively operated under different predetermined quality of service levels)” (see col. Col. 3, line 29 to col. 4, line 8, col. 5, lines 1-35, col. 8, lines 13-39).

In view of the above reasoning, the examiner believes that the 35 U.S.C. 103(a) rejections to claims 1-20 should be sustained.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay K. Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH

/Alpus H. Hsu/  
Primary Examiner, Art Unit 2419